



Institute of Islamic Jurisprudence

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Bismillaahirrahmaanirrahim,

Dear Mufti Sahib,

I have some very important questions relating to the *hijab* and *satr* of a woman. I would be most appreciative if you could please clarify my confusion on the following matters and clear up any ambiguities I have:

What are the different levels of *satr* (covering parts of the body) for women: i.e.

- For a Muslim woman in the presence of another Muslim woman
- For a Muslim woman in presence of a non-Muslim woman
- In front of her *mahrams* and non-*marams*

Can you please clarify if hands, face and feet include the head of a woman: I.e., her hair? Can she show her hair in the presence of her father, brother son and non-Muslim women? I recently read a book ("HIJAB" by Dr Mohammed Ismail Memon Madani) which said:

"The whole body of a woman, except the face, hands and feet, is *satr* which is not allowed to be uncovered even before her father uncle brother or son, and during salat."

Also, my sister and I live in the same house as my step dad, he's been living with us for three years now, we only expose our hands, face and feet but never the hair in front of him. What is the maximum we can expose in front of him because at times we have to roll sleeves up for cooking and cleaning before we get the chance to cover them back up again?

Also, is he allowed to touch our head when he gives salaam?

In addition, who is the face veil applicable to and whom is it disregarded for?

Is removal of face veil allowed before kaafir women? I cover in front of every man except my step dad and real brothers? What about real dad's half brothers? (They share the same father but different mother)

Also, what is the safe or recommended age of a boy that we have to observe pardah in front of?

I hope you can turn my indecisions into firmness and doubts into certainty. *Jazaakallaah khair* for dealing with this correspondence. May Allah maintain his most blessed favours upon you all, increase your bounties and reduce your strife. *Aameen*.

Firstly, it is important to understand the difference between 'hijab' and 'sitr al-'awrah' commonly known as 'sitr'. The confusion that exists widely today is due to not differentiating between *hijab* and *sitr* and their relevant rulings.

- The command of concealing ones *sitr* has remained ever present in all Divine religions. In fact, when Adam and Hawa 'alaihimassalaam were stripped of their clothing while still in *Jannah* they began to cover themselves with the leaves of *Jannah*. Concealing ones *sitr* is part of the *fitrah* - primordial nature of humans and was an obligation right from the advent of Islam. In contrast, the command of *hijab* did not exist in most Divine religions and in the early era of Islam but was first revealed in the third or fifth year of *Hijrah*.
- The concealing of ones *sitr* is an obligation in its own right, irrespective of whether one can be seen by others or not according to the correct opinion, whether during *salaah* or otherwise. In contrast, *hijab* is applicable only where one can be seen by others.
- The concealing of ones *sitr* is an obligation that applies to both men and women whereas *hijab* applies to women only.
- The extent of *sitr* for women applies to their whole person except their faces and hands (and feet according to the *Hanafis*). The hands and face are unanimously excluded from the ambit of *sitr* and all four schools of thought agree that a woman's prayer is valid with hands and face exposed. In contrast, there is a difference of opinion between the four schools of thought whether the hands and feet are originally included in the ambit of *hijab*. (Details to follow.)(:)

Secondly, there is one level of *sitr* that applies to men but there are different levels of *sitr* that apply to women in different situations:

- For men *sitr* begins from (but not including) the navel to (and including) the knees. This portion of the body must remain concealed from all other men and women except ones wife.

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- If a woman is in the presence of only Muslim women then the level of *sitr* applicable to her is the same as that of a man. I.e., in the presence of only Muslim women a woman must only necessarily conceal the portion from (but not including) the navel to (and including) the knees.

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Therefore, in the presence of only Muslim women a woman is not required to conceal the portion of her body above (and including) the navel and that below (but not including) the knees. However, in an age of an increasingly degenerative sense of morality wherein lesbianism is finding growing currency, it is impermissible to expose these portions of the body even when in the presence of only Muslim women if this is likely to excite and result in arousal.

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- If a woman is in the presence of a non-*mahram* male the level of *satr* that applies is that all her body must necessarily be concealed except her hands, face and feet. Therefore, only the face, hands and feet are not included in this level of *satr*.

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- If a woman is in the presence of a non-Muslim woman then the level of *satr* that applies is the same as that of a non-*mahram* male. I.e., all her body must necessarily be concealed except her face, hands and feet.

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- If a woman is in the presence of a male *mahram* then the level of *satr* that applies is that her stomach, back and sides and lower torso to and including the knees must remain concealed. Therefore, in the presence of a male *mahram* the face, hair, bosom, arms and shins are not part of *satr*. However, in an age of an increasingly degenerative sense of morality it is impermissible to expose the above portions of the body, such as the bosom, if its exposure is likely to result in the excitement and arousal of either the woman or the male *mahram*.
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Thirdly, in light of the relevant verses of the Holy Qur'an and the numerous related *ahaadith* we can conclude that, according to the Qur'an and *Sunnah* there are three levels of *hijab* for women:

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1. First level: *Hijab* of their persons within their homes and living quarters etc whereby they remain totally concealed from non-*mahram* males, including their persons, outer garments, inner garments, apparent and hidden beauty, and all parts of their bodies including their faces, hands and feet. This is the original spirit of the command of *hijab*, and it is this level that women are normally expected to maintain.
2. Second level: *Hijab* whereby their entire bodies remain concealed including their hands, faces, and inner garments. I.e. their bodies remained covered from head to toe with an outer garment such as an all-covering *jilbaab* or *burqa'*, etc. This level of *hijab* is required when they have to leave the confines of their homes in times of need.
3. Third level: *Hijab* whereby their entire bodies remain concealed excluding their faces, hands and feet. The pious predecessors differed on this level of *hijab*:
 - a. The *Maliki* school of thought does not recognise this level of *hijab* but considers it incumbent upon women to conceal their entire bodies including their faces, hands and feet when in the presence of non-*mahrams*.

- b. The dominant and accepted position within the *Shafi'ee* school of thought is that it is incumbent upon women to conceal their entire bodies including their faces, hands and feet when in the presence of non-*mahrams*, even if there is no fear of *fitnah*.
- c. The *Hanbali* school of thought is also in agreement with the position of the *Maliki* and *Shafi'ee* schools of thought. I.e., it is incumbent upon women to conceal their entire bodies including their faces, hands and feet when in the presence of non-*mahrams*.
- d. The position of the *Hanafi* school of thought is that it is permissible for women to reveal their hands, faces and feet provided that there is absolutely no fear of *fitnah* either presently or subsequently. *Fitnah* is defined as “attraction of the self towards the woman”. Therefore, permission to reveal the face, hands and feet within the *Hanafi* school of thought is contingent on there being no doubt that the non-*mahrams* in whose presence the face, hands and feet are revealed will not be attracted towards the woman after seeing her.

In short, according to the *Maliki*, *Shafi'ee* and *Hanbali* schools of thought it is not permissible for women to reveal their faces, hands and feet in the presence of non-*mahrams* irrespective of whether there is a fear of *fitnah* or not. () I.e., the injunction of *hijab* includes concealing the face, hands and feet at all times. According to the *Hanafi* school of thought the face, hands and feet are exempt from the injunction of *hijab* unless there is a fear of *fitnah*. ()

However, when latter *Hanafi* Jurists such as Imam Abu Bakr Jassaas (d.370AH) saw the levels of moral degeneration during their times they forbade young women from revealing their faces and hands in the presence of non-*mahrams* on the basis that *fitnah* did exist. They ruled that the condition of the absence of the fear of *fitnah* was no longer to be found and therefore it was no longer permissible for women to reveal their faces, hands and feet in the presence of non-*mahrams*. This was not an abrogation of the previous ruling but rather a confirmation that the condition of permissibility no longer prevailed. Consequently, all four schools agreed that it was incumbent upon women to conceal their entire bodies including their faces, hands and feet when in the presence of non-*mahrams*.

The rules mentioned above regarding *hijab* and *satr* with all their different levels are the minimum requirements and should not be viewed and practiced as the norm. One should endeavour to adopt all such practices that reinforce one's modesty and chastity. E.g. for males, *satr* begins from (but not including) the navel to (and including) the knees. However, it is inappropriate for any respectable Muslim male to just cover the *satr* and leave the rest of the body bare and adopt this as the norm. Similarly, for women it is inappropriate that they only cover their *satr* (according to the various levels) and adopt this as the norm. Rather, they should cover themselves as much as possible and reinforce their modesty and chastity.

Therefore, in light of the above:

- It is permissible for a Muslim woman to show her hair in the presence of her father, brother and son and she will not incur any sin for doing so. However, it is still better that she tries to cover her hair when in their presence.
- It is not permissible for a Muslim woman to show her hair in the presence of non-Muslim women.
- Your step-dad is your *mahram*. Therefore, the level of *satr* in the presence of *mahrams* will apply. You will not be sinful if your arms are exposed while in his presence. However, you should still try to cover as much as possible in his presence as this is a reinforcement of your modesty and chastity. Although your step-dad is allowed to touch your head as a show

of affection when he gives salaam, it is something that should be strictly avoided as this could result in irreparable consequences.

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- The face veil is applicable to all non-*mahram* males and non-Muslim womenⁱ. It is not applicable to *mahram* males and Muslim women.
- You are not required to wear the veil in the presence of your real dad's half brothers as they also your *mahrams*.
- When a boy reaches the age that he understands and holds interest in the peculiarities, sensitivities and sexual nature of women even though he has not even neared puberty, it will be incumbent to observe *hijab* in his presence. This can be said to be about 9-10 years of age.

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ⁱ The dominant opinion of the pious predecessors is that a Muslim woman is required to observe the command of *hijab* [as discussed in the third level of *hijab*] in the presence of non-Muslim women and that the exemptions referred to in verse 31 of *Surah al-Noor* { } "or their women" and verse 55 of *Surah al-Ahzaab* { } "and nor their women" relate specifically to Muslim women. I.e., Muslim women are not required to observe the command of *hijab* in the presence of only other Muslim women. This is the opinion of Umar, Ibn Abbas, Ibn Jurey and 'Ubaadah b. Nusayy ؓ as recorded by al-Tabari [10:161] and al-Qurtubi [12:155] in their respective commentaries on verse 31 of *Surah al-Noor*. Al-Qurtubi also mentions that the Jurists have differed on this point.

In his commentary of this verse in *Ruh al-Ma'aani* [9:338], al-Aalusi explains that { } "or their women" refers to their [Muslim women's] special companions and maids from the free believing women as the non-believing women have no inhibition in describing them to the men. Therefore, in terms of exposing their beauty to them, they hold the same ruling as strange men. There is no difference in this regard between a *dhimmiyyah* – free non-believing female subject living under Islamic rule - and other [non-believing] women. This is the opinion adopted by the majority of the pious predecessors. Then in support of this position al-Aalusi has related an incident regarding Umar ؓ as reported by Sa'eed b. Mansur, Ibn al-Mundhir and al-Baihaqi in his *Sunan* in which he wrote to Abu 'Ubaidah ؓ as follows: "It has been brought to my attention that some Muslim women enter the public baths with polytheist women. So, indeed, it is within you power to prohibit them from that. It is not permitted for a woman who believes in Allah and the Last Day that anyone should see her 'aurah except [the woman] who is from her religion."

In the *Rawdhah* [al-Taalibeen] of Imam al-Nawawi regarding the looking of a *dhimmiyyah* towards a Muslim woman there are two opinions. The more correct of the two opinions according to Imam al-Ghazali is that she is like the Muslim woman while the more correct of the two opinions according to Imam al-Baghawi is prohibition. In al-*Minhaaj* by Imam al-Nawawi the more correct opinion is that the looking of a *dhimmiyyah* towards a Muslim woman is

prohibited. This requires that a *dhimmiyyah* is like a male stranger to her. A group from the *Shafi'ee* school have relied on this.

Ibn Hajar has stated that the more correct opinion is the prohibition of her looking at what is not [normally] revealed of a Muslim woman in the course of her work [household chores] apart from her owner or her *mahram*. And the entering of free non-believing female subjects into the presence of the mothers of the believers, as reported in *sahih ahaahadith*, is proof of the permissibility of her [*dhimmiyyah*] looking at what is revealed of her in the course of work.

Imam al-Razi has stated that the *madh-hab* is that she is as a Muslim woman and “*their women*” refers to all women.

Imam al-Razi’s commentary itself [al-Tafsir al-Kabir, 8:365] is as follows:

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Al-Aalusi goes on to state that the opinion of the pious predecessors is interpreted as the preferred option while this opinion is more appropriate for the people today, as it is hardly possible for Muslim women to observe *hijab* in the presence of free non-believing female subjects.

The text of al-Aalusi’s commentary is as follows:

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In his commentary on verse 31 of *Surah al-Noor* in Ahkaam al-Qur’an [3:325], Ibn al-‘Arabi has also adopted the position that the exemption provided relates to all women and not just Muslim women. The relevant text is as follows:

The opinion of Imam al-Ghazali, Imam al-Razi, Ibn al-‘Arabi and the congruity suggested by al-Aalusi seem to be more appropriate for Muslim women living in the west. However, in view of the difference of opinion in this regard, when in the presence of non-Muslim women Muslim women should only reveal what is normally revealed in the course of their household chores as mentioned by Ibn Hajar.